

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

NEW ENGLAND PATRIOTS FANS,

Plaintiffs

V.

NATIONAL FOOTBALL LEAGUE; ROGER
GOODELL, COMMISSIONER, Individually and in
his capacity as the Commissioner of the NFL; and
ROBERT KRAFT, Individually and in his capacity as
the owner of the New England Patriots,

Defendants.

CIVIL ACTION
NO. 1:16-cv-10659-FDS

MOTION OF DEFENDANT ROBERT KRAFT TO DISMISS COMPLAINT

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), Defendant Robert Kraft moves to dismiss Plaintiff's complaint for lack of subject matter jurisdiction and for failure to state a claim upon which relief can be granted. In support thereof, Defendant relies on (1) the memorandum of law submitted herewith and (2) the legal arguments raised in the motion to dismiss and supporting memorandum of law filed by Defendants National Football League and Roger Goodell (the "NFL Defendants") (ECF Nos. 20-21), which are hereby incorporated by reference.

Defendant further notes that several requests to Plaintiffs' counsel to voluntarily dismiss Mr. Kraft as a defendant were rejected, hence necessitating this motion.

Defendant agrees with the NFL Defendants' position that this motion can be decided on the papers without the need for oral argument.

Respectfully submitted,

Robert Kraft

By His Attorneys,

/s/ Daniel L. Goldberg

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Dated: April 27, 2016

CERTIFICATE OF SERVICE

I, Emma D. Hall, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on April 27, 2016.

Emma D. Hall

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